

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

June 21, 2004

IN RE:

PETITION OF CINERGY
COMMUNICATIONS COMPANY FOR
ARBITRATION OF INTERCONNECTION
AGREEMENT WITH BELL SOUTH
TELECOMMUNICATIONS, INC.
PURSUANT TO THE
TELECOMMUNICATIONS ACT OF 1996

DOCKET NO.
01-00987

ORDER GRANTING CINERGY'S REQUEST TO REPLY TO THE *RESPONSE OF BELL SOUTH TELECOMMUNICATIONS, INC. TO CINERGY'S MOTION FOR SUMMARY JUDGMENT*

On November 9, 2001 Cinergy Communications Company ("Cinergy") filed the *Petition for Interconnection by Cinergy Communications Company Against BellSouth Telecommunications, Inc.* ("Petition") seeking arbitration by the Tennessee Regulatory Authority ("TRA" or "Authority") of unresolved issues between Cinergy and BellSouth Telecommunications, Inc. ("BellSouth") in the renegotiation of the existing interconnection agreement between the parties. On September 9, 2002 Cinergy filed a letter stating that although this case was "ready to be heard" the parties had agreed that a hearing on the *Petition* should be postponed pending the outcome of a generic proceeding regarding issues relating to BellSouth's provision of DSL service over a UNE-P loop. No party sought such a generic proceeding and this docket remained inactive from September 9, 2002 until May 4, 2004 when Cinergy filed its *Motion for Summary Judgment* ("Cinergy's Motion") regarding issues relating to BellSouth's provision of DSL service over a UNE-P loop.

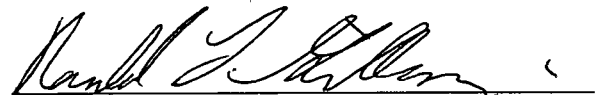
On May 6, 2004 BellSouth filed a letter requesting the Authority establish a briefing schedule regarding *Cinergy's Motion*. BellSouth filed its *Response of BellSouth Telecommunications, Inc to Cinergy's Motion for Summary Judgment* ("*BellSouth's Response*") on May 27, 2004.

On June 3, 2004 Cinergy filed a request to file a reply to *BellSouth's Response* by June 18, 2004. On June 17, 2004 Cinergy filed a request to extend the deadline for filing its reply to *BellSouth's Response* to June 23, 2004. In both requests Cinergy states that BellSouth does not object to the filing of such a reply so long as it does not exceed the scope of *BellSouth's Response*.

Based on the agreement of the parties the Hearing Officer finds Cinergy's request well taken.

IT IS THEREFORE ORDERED THAT:

Cinergy is hereby granted leave to file a reply to *BellSouth's Response* on or before June 23, 2004. The Parties shall, on or before June 30, 2004, jointly file a proposal containing at least three dates for oral argument of *Cinergy's Motion*.



Randal L. Gilliam
as Hearing Officer